

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EZRA ABED, JACOB AINI, and I.C.E.
MARKETING,

USDC SDNY
DOCUMENT
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Plaintiffs, :

O R D E R

- against - :

08 Civ. 4404 (NRB)

GHASSAN AZAR DINA SAMA'AN PLASTICS
FACTORY, STARPLAST (ISRAEL) INC., and
STARPLAST USA LLC, :

Defendants. :

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS, plaintiffs commenced this action on May 9, 2008; and

WHEREAS, the only defendants to have appeared are Starplast
(Israel) Inc. and Starplast USA LLC ("the Starplast defendants");
and

WHEREAS, plaintiffs were granted leave to file a First Amended
Complaint on June 15, 2009 after the Starplast defendants brought
a motion to dismiss; and

WHEREAS, plaintiffs were then permitted to file a Second
Amended Complaint on September 18, 2009 in conjunction with their
opposition to the second motion to dismiss brought by the Starplast
defendants; and

WHEREAS, this Court granted the Starplast defendants' motion
to dismiss on January 5, 2010; and

WHEREAS, the only remaining defendants are Ghassan Azar ("Azar") and Dina Sama'an Plastics Factory ("Dina Plastics"), and neither of these defendants have appeared; and

WHEREAS, these defendants were served with the original complaint, but not the subsequent amended complaints; and

WHEREAS, despite numerous reminders over several months to plaintiff's counsel regarding the necessity of serving the amended complaint on Azar and Dina Plastics, plaintiffs' counsel can offer no assurances that the plaintiffs will supply the necessary funding to effect service on these defendants in Jordan, without which, the court has been informed, such service will not be initiated; and

WHEREAS, the Court having given plaintiffs' counsel a final deadline to inform the Court of his clients' intentions in this regard and such deadline having passed; it is hereby

ORDERED that the above-captioned action be, and hereby is, dismissed for failure to prosecute without costs and with prejudice.

DATED: New York, New York
April 29, 2010



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE